

Grimley and Holt CE Primary School

REVISED CHARGING AND REMISSIONS POLICY

Background

The legal framework relating to charging, voluntary contributions and remissions is set out in sections 449-462 Education Act 1996. The basic principle governing the making of charges is that no charge shall be made for the provision of education to a registered pupil at a maintained school during school hours. There are, however, a number of specific exceptions to this general rule which are set out in the following paragraphs.

Charging and Remissions Policies

Every governing body of a school is required to determine and keep under review a policy covering the circumstances under which charges for any 'optional extra' or board and lodging may be levied. No charges can be made unless a charging and remissions policy has been determined. A school charging and remissions policy should be consistent with the requirements of this policy.

Any remissions policy adopted should set out how a governing body will meet any charge payable to the LEA, in accordance with its charging policy, in respect of optional extras or board and lodging.

Funding to address these circumstances has been made available to schools through their formula funding allocations. Governing bodies are additionally able to remit all or part of any charges made by the LEA from their delegated budgets.

Residential Educational Trips

A 'residential trip' is any trip arranged for registered pupils at a maintained school which requires pupils taking part to spend one or more nights away from their usual overnight accommodation.

When looking at charging issues relating to residential trips, there are three main issues: education, transport and board and lodging.

(i) **Education**

In order to determine whether a charge can be made for this, one must calculate to what extent the education provided on a trip takes place during school hours. The formula for calculating this is set out in s.452 of the 1996 Education Act. In summary, this states that if half or more of an educational activity (including travelling during school hours) falls during school hours then all the activity is to be treated as if it took place during school hours, so no charge may be made. However, if less than half of the activity and travelling time is in school hours all the activity is deemed to take place out of school hours.

Therefore, subject to the exceptions set out above, charges may be made. Nevertheless, no charge may be made for education except by agreement with the pupil's parent. It is easiest to secure this agreement through usage of a signed consent form prior to the trip.

(ii) Transport

No charge may be made for transport, which is:

- a) incidental to education provided for which no charge may be made (s.451 and s.454(3)); or
- b) provided to enable a pupil to meet any examination requirement for any syllabus for a prescribed public examination which is a syllabus for which he has been prepared at the school (s.454(3)).

However, charges can be made for transport connected with any other form of education. Therefore, if for example less than half of a residential trip (and connected travelling time) were to take place outside school hours and did not fall within one of the exceptions relating to examinations etc., a charge could be made for the transport necessary for that trip. These charges must be agreed with the pupil's parent.

(iii) Board and Lodging

A charge may generally be made for board and lodging provided for a registered pupil at a maintained school on a residential trip. The board and lodging charge should reflect the cost of board and lodging and should be agreed with the pupil's parent prior to the trip.

The school's charging and remissions policy must provide for complete remission of any charges for board and lodging provided for a pupil on a residential trip if:

- a) the education provided on that trip cannot be charged for (see above) and
- b) the pupil's parents are in receipt of income support, working families tax credit, jobseekers allowance or disabled person's tax credit.

Non-Residential Daytrips

Education provided on such trips is normally legally deemed to fall within school hours. Section 452 of the 1996 Education Act sets out a form of words which ensures that this is routinely true. Therefore, no charge could be made for either the education provided or any associated transport.

Music Tuition

The general prohibition against charging for education provided during school hours does not apply to music tuition where this is provided either individually or to a group of not more than 4 pupils unless:

- a) the tuition is required as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school; or
- b) provided as part of the duty to implement the National Curriculum or to provide religious education as part of the basic curriculum, (ss.451(2) 357(1) and 384 1996 Education Act).

Outside school hours, a charge may be made unless the tuition is provided as part of a syllabus for a prescribed public examination which is a syllabus for which the pupil is being prepared at the school or provided in accordance with ss. 357 or 384 (as above).

A charge cannot be made for music tuition for groups of more than 4 children.

Leasing Charges

Leasing charges can only be made for instruments, sheet music, etc. in respect of music tuition for which charges may be made. Otherwise, they should be provided free of charge as being incidental to music tuition for which no charge may be made

Other Tuition provided by Peripatetic Teachers

The school's policy should follow the approach outlined in the Education Act 1996.

A decision about charges should be made by reference to whether or not it takes place within school hours. If the activity take place during school hours a charge cannot be made. If not then charges would be permissible, subject to the exceptions referred to above.

Swimming

No charge may be made for swimming under the provisions of the 1996 Education Act if the activity takes place within school hours. However, the school may seek voluntary contributions for this and other activities (see below).

Examinations

No charges may be made in respect of the entry of a pupil for a prescribed public examination in any syllabus for that examination for which the pupil has been prepared at the school.

However, where the school/governing body or LEA has paid an examination fee and the pupil then fails without good reason to meet an exam requirement for the syllabus, the fee can be recovered from the pupil's parent (s.453(2)).

It is legally a responsibility of the body which has paid the fee to determine whether the pupil had good reason for failing to meet the examination requirement. The governing body's charging and remissions policy should state the circumstances in which the school would seek to recover the examination fee.

Voluntary Contributions

A governing body of a school or LEA may request voluntary contributions "for the benefit of the school or any school activities". Schools' charging and remissions policies should clearly state the circumstances in which voluntary contributions would be sought. The policy and the terms of any specific request must be clear that there is no obligation to make a contribution and that pupils will not be treated differently according to whether or not their parents have made a contribution.

Signed

Date

Date of Review

Autumn 2000